

Ed Westin / 8 pages total

4467-103 US

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) ~~746~~ -6866 on July 8, 2003

Typed or printed name of person signing this certificate:

Patrick H. Higgins

Signature:

Patrick H. Higgins

* * *

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Zenhausen, F.

Serial No. 09/407,581

Filed: September 28, 1999

For: METHOD AND APPARATUS
FOR MONITORING MATERIALS
USED IN ELECTRONICS

Group Art Unit: 2857
Examiner: Tsai, Carol S.W.

FAX RECEIVED**JUL 08 2003****TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER**

Commissioner for Patents
Washington, D.C. 20231

SIR:

**REQUEST FOR RECONSIDERATION
OF PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

The undersigned Attorney for the Applicant respectfully thanks Edward Westin for the teleconference of June 18, 2003. The Applicant respectfully requests reconsideration of the Petition to Withdraw the Notice of Abandonment of the above-referenced case. The Applicant respectfully requests the Commissioner to particularly consider the totality of the facts in view of the Declaration from Moira Selinka presented herewith.

The Applicant wishes to begin addressing MPEP §512 Certificate of Mailing or Transmission, PROCEDURE BY APPLICANT (C) (with reference to proper use of a Certificate of Mailing under 37 CFR §1.8), reproduced as follows:

-- When the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper it accompanies. The required identification should include the application number and filing date of the application as well as the type of paper being filed, e.g., reply to rejection or refusal, Notice of Appeal, etc. An unsigned certification will not be considered acceptable. Moreover, without the proper identifying data, a certification presented on a separate sheet will not be considered acceptable if there is any question or doubt concerning the connection between the sheet and the paper filed. If the sheet should become detached from the paper and thereafter not associated with the appropriate file, evidence that this sheet was received in the Office can be supported by submitting a copy of a postcard receipt specifically identifying this sheet and the paper and by submitting a copy of the sheet as originally mailed. Attention is directed to MPEP § 503 relative to the use of postcards as receipts. -- (emphasis added).¹

The Applicant respectfully acknowledges that the MPEP states that the certification must be signed and fully identify the paper it accompanies. The Applicant also respectfully points out, as indicated in items 3 and 4 of the declaration presented herewith, that Moira Selinka securely attached the executed Certificate of Mailing (Exhibit I) to the Amendment and fully identified each submitted paper by "Amendment
3-month Extension of Time
Form PTO 1449 and 2 references".

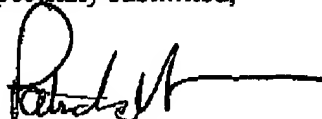
The Applicant further acknowledges that, although "Amendment, 3-month Extension of Time, and Form PTO 1449 and 2 references" were unambiguously stated, the Certificate of Mailing should have included the application number and filing date of the application.

¹ Further, with regard to MPEP § 503 relative to the use of postcards as receipts (see, RETURN POSTCARD), [t]he postcard should identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc.; however, the Applicant respectfully points out that no specific mention or reference is made to listing a Certificate of Mailing (e.g., under 37 CFR 1.8) on a return postcard.

However, the fact that the application number and filing date of the application, was not recited on the Certificate of Mailing, should not be fatal to the Applicant's respectful application for patent *in view of the totality of the facts of this case*. Particularly, the Certificate of Mailing as well as the return postcard, a copy of which is attached hereto, each recite "Amendment", "3-month Extension of Time", and "Form PTO 1449 and 2 references". Accordingly, the Applicant respectfully requests the Commissioner to consider that under these circumstances ^{is} *there no reasonable question or doubt* concerning the connection between the separate sheet Certificate of Mailing under 37 CFR 1.8,² and the filed amendment.

A prompt and favorable decision on this Petition for Reconsideration is earnestly solicited. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 13-2165.

Respectfully submitted,



Patrick H. Higgins
Reg. No. 39,709
Attorney for Applicant

DATE: June 24, 2003

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² USPTO form SB/92 (0800) (Approved for use by the USPTO through 10/31/2002. OMB 0651-0031).

4467-103 US

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

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In re Application of
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USED IN ELECTRONICS

Group Art Unit: 2857
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TECHNOLOGY CENTER 2800
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Commissioner for Patents
Washington, D.C. 20231

SIR:

DECLARATION OF MOIRA SELINKA
IN SUPPORT OF REQUEST FOR RECONSIDERATION
OF PETITION TO WITHDRAW NOTICE OF ABANDONMENT

DECLARATION

I, Moira Selinka, do hereby declare as follows:

1. I have been a secretary with the law firm of MATHEWS, COLLINS, SHEPHERD & McKAY, P.A., 100 Thanet Circle, Princeton, New Jersey from June 1998 to June 2003. In addition I have just graduated from Rutgers School of Law, Camden, NJ.

2. I have regularly assisted the Attorneys at MATHEWS, COLLINS, SHEPHERD & McKAY in filing patent applications and prosecution documents in the United States Patent and Trademark Office.

3. Exhibit I attached hereto shows a copy of USPTO form SB/92 (0800) (Approved for use by the USPTO through 10/31/2002. OMB 0651-0031), otherwise referred to as a Certificate of Mailing under 37 CFR 1.8, that I executed on September 27, 2002 and securely attached it to an Amendment to the above-referenced patent application and a petition for a 3 month extension of time and a PTO Form 1449 and 2 references.

4. I hereby confirm and attest to the fact that under the statement under my signature, "[e]ach paper must have its own certificate of mailing, or this certificate must identify each submitted paper", I fully identified each submitted paper by
"Amendment
3-month Extension of Time
Form PTO 1449 and 2 references".

5. I hereby confirm and attest to the fact that I deposited the subject Amendment to United States Patent Application Ser. No. 09/407,581, in response to the Office Action dated March 27, 2002, and the petition for a 3 month extension of time and the PTO Form 1449 and the 2 references with the United States Postal Service with, and as stated in, the Certificate of Mailing under 37 CFR 1.8 shown in Exhibit I.

6. I further state that the above statements are made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 6-23-03


Moira Selinka

* * *

EXHIBIT 1

PTO/SB/92 (08-00)

Approved for use through 10/31/2002. CMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231

on September 27, 2002.

Date



Signature

Moira Selinka

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment
3-month Extension of Time
Form PTO 1449 and 2 references

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

TITLE: Method and Apparatus for Monitoring Materials.CASE NO.: 4467-103 USSERIAL NO.: 09/407,581

The Patent and Trademark Office acknowledges, and has stamped hereon, the date of the receipt of the items checked below and acknowledges authority to charge all fees to Account 13-2165.

☐ PATENT APPLICATION - COMPLETE WITH:

- ☐ FEE AUTHORITY (x2) ☐ CHECK
- ☐ PRIORITY DOCUMENT
- ☐ SHEETS OF (IN) FORMAL DRAWINGS
- ☐ DECLARATION & POWER OF ATTORNEY
- ☐ EXPRESS MAIL CERT. # _____
- ☐ SMALL ENTITY STATEMENT

☒ AMENDMENT ☐ ASSIGNMENT ☐ CHECK ☐ APPEAL NOTICE

- ☐ APPEAL BRIEF ☐ LETTER ☐ PETITION
- ☐ PRELIMINARY STATEMENT ☒ PRIOR ART STATEMENT PTO 1449
- ☐ STIPULATION ☒ 3-mo. EXTENSION OF TIME + 2 references
- ☐ NOTICE OF OPPOSITION

ISSUE FEES: ☐ BASE ISSUE ☐ SUPPLEMENTAL

- ☐ CERTIFICATE OF CORRECTION
- ☐ DECLARATION

☐ TRADEMARK APPLICATION - COMPLETE WITH:

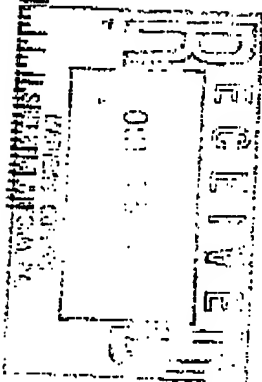
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- ☐ DRAWING ☐ SPECIMEN (x5)
- ☐ PRIORITY DOCUMENT

COPYRIGHT APPLICATIONS - COMPLETE WITH:

- ☐ TRANSMITTAL LETTER
- ☐ CHECK
- ☐ SPECIMENS

☐
☐MATHEWS, COLLINS, SHEPHERD & MCKAY
DDM

44673103



DDW
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